

David Small: Stockpiling pupils' data jars with right to privacy

26 Aug, 2016 5:00am

NZ Herald

I received a phone call this week from a colleague at another university asking me to pass on information about somebody who had previously studied with me. Unpersuaded by reassurances that it would help the student to receive the best education at the new university, I refused and suggested the caller ask the student to request the information directly from me.

I didn't really receive that call. And with people's familiarity with the basics of the Privacy Act, I doubt I ever would. I use it to illustrate my objection to a practice that is routine in New Zealand schools, the transfer of student information from one school to another without the knowledge or consent of the students or their parents. It is done in the name of facilitating smooth transitions between schools.

To assist transitions, the Ministry of Education is creating a centralised digital storehouse for school records. The project is designed to improve data management through more efficient electronic storage and transfer of information. The Ministry says it will provide "earlier and better information about student transfers". Principals have welcomed the opportunity to be ready to teach students the moment they arrive at their new school, knowing their level of schooling without what is described as the "wasted" time of retesting.

However, big data systems are always prone to big blunders. Work and Income NZ, ACC and the Earthquake Commission, to name just a few state agencies, have recently mishandled information in ways that have seriously compromised people's privacy. It remains to be seen how the Ministry of Education performs. Apart from errors, however, there are other significant privacy concerns about this project.

Children and young people undergo the most extraordinary and radical changes over the course of the 11 to 13 years they spend at school. It is not uncommon to find themselves trapped in negative cycles at a school. This can happen for any number of complex and overlapping reasons which are sometimes difficult to identify. The causes could be internal to the student, or related to her family or friends, or the result of interactions with a school or a particular teacher or group of teachers at a school.

The move from one school to another can be an important opportunity for children, young people and their whanau to escape from a negative cycle by starting afresh, and recreating and redefining themselves.

Young people can often benefit enormously by being able to shed the baggage of a negative relationship with a previous school, and they should be allowed to do this. Students should be able to start life at a new school without the teachers at that school having preconceived ideas about them, based on evaluative information from a previous school about their behaviour, attendance, or even arguably their academic ability.

The ministry is encouraging all schools to adopt electronic student management systems and endorses no fewer than seven distinct products, all of which will be compatible with the new centralised data system. All of these different systems include facilities to record information that goes well beyond what schools are obliged by law to provide to the ministry, such as notes about student behaviour and discipline, and school reports to parents.

The ministry has given assurances that it will not be gathering any student information that it does not already get from schools. However, electronic data systems have a habit of growing and spreading. The Privacy Commissioner allows schools considerable freedom to share student information and requires evidence of actual harm being done before finding a school in breach of the Privacy Act.

I have no doubt that for many or even most students, this information sharing would indeed enhance their education by improving their transition between schools. And in some instances decisions about information sharing should be made with wider considerations about children's safety in mind. However, none of this should remove from young people the same privacy rights that adults enjoy.

http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11700525